

## REMARKS

### Rejection under 35 U.S.C. §102(b)

The examiner alleges that claims 1, 6, 10, 11, 13, 14, 17 and 18 are rejected as being anticipated by Wetzel et al. (US 4,541,486).

Claims 1 and 11 are the only independent claims.

Applicant respectfully disagrees that Wetzel anticipates the claimed invention. Wetzel discloses a method and apparatus for perforating a well casing in which a lower packer 6 is set above a perforating gun 5 prior to activating the perforating gun by dropping a detonating weight or bar 5a thereon (col. 7, lines 8-24). Wetzel further teaches that prior to the firing of the perforating gun and the setting of the lower packer, the bore of the tubing string can be filled with a light fluid, with such fluid being pumped out of perforations 9a in the packer and returning to the surface through a bypass in the lower packer (col. 7, lines 25-40) in order to create an underbalanced condition prior to perforation.

With respect to independent claim 1, Wetzel does not disclose or suggest pressurizing the tubing string to a first pressure to actuate the perforating gun, pressurizing the tubing string to a second pressure to activate a downhole injection port adjacent the perforating gun, and circulating fluid through the downhole injection port for conveying debris up the wellbore, as claimed. Port 103 identified by the examiner is not positioned adjacent the perforating gun and is not actuated by pressure. Rather, port 103 is positioned uphole and adjacent a frangible disc 105 and simply permits fluid introduced through the work string [before actuating the perforating gun] to remove wellbore debris that has fallen on the upper surface of the frangible disc and thereby prevent inadvertent activation of the perforating gun (col 9, line 50 – col. 10 line 2). In addition, Wetzel sets the packer prior to actuating the perforating gun such that light fluid cannot be circulated up the wellbore after perforation.

Similarly, with respect to claim 11, Wetzel does not teach a perforating gun actuable at a first pressure and a downhole injection port actuable at a second

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pressure, so that the perforating gun is actuated at the first pressure and the downhole port is actuated at the second pressure to enable circulation of fluid from the tubing so as to continuously remove perforation debris from the wellbore.

Overall, Wetzel is completely different in design and operation from Applicant's claimed invention.

Anticipation of a claim under §102(b) requires each and every element set forth in the claim be disclosed in a single prior art reference. Exclusion of a single claimed element from a prior art reference is enough to negate anticipation by that reference. Wetzel fails to disclose all of the claimed elements of each of claims 1 and 6 for reasons set forth above and therefore do not anticipate Applicants' claims.

Accordingly, the rejection is unsupported by the art and should be withdrawn.

#### Allowable subject matter

The examiner has objected to claims 2-5, 7-9, 12, 15, 16 and 19 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully submits that since the base claims are patentable as described above, the objection is now moot.

#### **CONCLUSION**

It is believed that all of the Examiner's the objections have been addressed and reconsideration and allowance of claims 1-19 is respectfully requested.

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Respectfully submitted,  
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Per:

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